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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,888	01/14/2000	Peter Joseph Hollands	0142-0309P	7631

2292 7590 12/24/2002

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EXAMINER

HUFFMAN, JULIAN D

ART UNIT	PAPER NUMBER
2853	

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/482,888	HOLLANDS ET AL.
Examiner	Art Unit	
Julian D. Huffman	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 October 2002.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,3 and 5-12 is/are pending in the application.

4a) Of the above claim(s) 7 is/are withdrawn from consideration.

5) Claim(s) 8-11 is/are allowed.

6) Claim(s) 1,3,6,11 and 12 is/are rejected.

7) Claim(s) 5 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 14 January 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_ .

## DETAILED ACTION

### *Election/Restrictions*

1. Claim 7 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 6, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al. (DE 3820082 A1).

Matsumoto et al. disclose an ink jet printhead comprising :

a channel plate (fig. 1, element 1) having a plurality of ink channels etched into at least one surface thereof (5, 5a);  
a second channel plate having a plurality of ink channels etched into at least one surface thereof (fig. 1, opposing element 1);

actuators respectively associated with each of the ink channels for pressurizing ink contained in the ink channels (element 1 is a piezoelectric member); and

a base member (element 2) defining ink supply passages and an ink reservoir communicating with the ink channels via the ink supply passages (fig. 4a), wherein said ink reservoir is defined by a base member made of a material different from that of the channel plates (glass, column 4, lines 35-38), wherein the channel plate is held in butting engagement with a surface of the base member in which an ink supply passage is formed for establishing fluid communication between the ink reservoir and the ink channels and wherein a portion of the base member forms a support plate sandwiched between said first channel plate and said second channel plate (fig. 1).

With regards to claim 3, the limitation that the channel plate is fixed using adhesive is directed towards a method of manufacturing the apparatus and does not further limit the apparatus as claimed.

#### ***Allowable Subject Matter***

4. Claims 8-10 are allowed.

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not disclose the channel plate being formed of silicon and a means defining an ink reservoir communicating with the ink channels, wherein

said ink reservoir is defined by a base member made of a material different from that of the channel plate, wherein the channel plates is held in butting engagement with a surface of the base member in which an ink supply passage is formed for establishing fluid communication between the ink reservoir and the ink channels.

With regards to claims 8-10, the prior art of record does not disclose the base member being formed of graphite.

***Response to Arguments***

5. Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (703) 308-6556. The examiner can normally be reached on Monday through Friday from 9:30 a.m. to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached at (703) 308-3126. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722. Faxes requiring the immediate attention of the examiner may be sent directly to the

examiner at (703) 746-4386. Note that this number will not automatically send a confirmation that the fax was received.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



JH

11 December 2002



RAQUEL GORDON  
PRIMARY EXAMINER